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R<sup>3</sup> is isobutyl;

R<sup>3</sup> is one of isobutyl, 1-naphthylmethyl, 2-naphthylmethyl, [3-pyridylmethyl, 2-pyridylmethyl, 6-quinolinylmethyl, 3-indolylmethyl,] benzyl, 4-fluorobenzyl, 4-hydroxybenzyl, 4-(benzyloxy)benzyl, benzylnaphthylmethyl or phenethyl; and

Z<sup>1</sup> and Z<sup>2</sup> are independently one of hydroxy, C<sub>1-4</sub>alkoxy, C<sub>6-10</sub>aryloxy, or together Z<sup>1</sup> and Z<sup>2</sup> form a moiety derived from a dihydroxy compound selected from the group consisting of pinacol, perfluoropinacol, pinanediol, ethylene glycol, diethylene glycol, 1,2-cyclohexanediol, 1,3-propanediol, 2,3-butanediol, glycerol [or] and diethanolamine.

B4  
Canceled

### Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 2, 3, 6, 11-24, 63, 64, 66 and 90 and 93 are pending in the application, with claims 90, 93, and 24 being the independent claims. Claims 91, 92, 94, 5, 43-50 and 65 have been canceled without prejudice to or disclaimer of the subject matter therein. Applicants reserve the right to file one or more divisional applications on the subject matter encompassed by the canceled claims.

Claim 90 has been further limited pursuant to the Examiner's suggestions. The group R<sup>7</sup> has been limited to pyrazinyl. Deletion of individual members of a Markush expression does not constitute new matter. See, *In re Johnson and Farnham*, 194 USPQ 187 (CCPA 1977). Claim 90 is directed to the generic concept identified by the Examiner except that cyclic esters of the boronic acid have been retained within the scope of the claims, and both pyrazinylsulfonyl and pyrazinylcarbonyl have been retained at the position "P." Claim 93 is

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of similar scope, except that P is pyrazinylcarbonyl. The remaining claims have been amended to be consistent with the changes discussed above, or to update dependency of the claims.

Applicants reserve the right to prosecute the canceled subject matter in one or more divisional applications. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above Amendment and the following Remarks, Applicant respectfully requests that the Examiner reconsider and withdraw the outstanding objection.

***Consideration of All Documents Cited on PTO-1449***

A number of documents cited on the 9 sheets of PTO Form 1449 were not considered by the Examiner on the basis that copies of the documents were not provided.

No copies were provided for a number of documents that were cited in parent application, serial no. 08/442,581. The Information Disclosure Statement referenced the earlier filed application. Applicants appreciate that the file was not readily accessible to the Examiner at the time of examination. However, the parent application file is now in Art Unit 1201 with Examiner Lutz. As copies of the relevant documents appear in the parent application, Applicants respectfully request that the Examiner indicate consideration of these documents. If an additional set of copies will assist the Examiner, he is invited to call the undersigned representative who will forward such copies. Copies of the original nine sheets of Form PTO-1449 are attached hereto.

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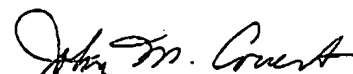
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The stated grounds of objection has been properly traversed, accommodated or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

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